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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,532	12/12/2003	Reiner Sailer	YOR920030607US1 (163-26)	9714
24336 7590 06/02/2009 KEUSEY, TUTUNJIAN & BITETTO, P.C. 20 CROSSWAYS PARK NORTH SUITE 210 WOODBURY, NY 11797			EXAMINER ENGLAND, DAVID E	
			ART UNIT 2443	PAPER NUMBER
			MAIL DATE 06/02/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b> (For use in the First Action Interview Pilot Program)	Application No.	Applicant(s)	
	10/734,532	SAILER ET AL.	
	Examiner	Art Unit	Page 1 of
	DAVID E. ENGLAND	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only **ONE** additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

☐ Applicant's request to not have a first-action interview is acknowledged.

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2009 and interview conducted on 29 May 2009.  
 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 3) ☒ Claim(s) 12 is/are pending in the application.  
 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 5) ☒ Claim(s) 12 is/are rejected.  
 6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) ☐ The specification is objected to by the Examiner.  
 9) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-3912  
 Examiner's Typical Work Schedule: Mon-Thur, 7:30-5:30  
 Supervisor's Name: Tonia Dollinger  
 Supervisor's Telephone Number: 571-272-4170

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application  
 6) ☐ Other: \_\_\_\_\_.

<b>Office Action Summary</b>	<b>Application No.</b> 10734532	<b>Applicant(s)</b> SAILER ET AL.	
	<b>Examiner</b> DAVID E.. ENGLAND	<b>Art Unit</b> 2443	Page 2 of

Notification of Rejection(s) and/or Objection(s)				
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	12	A,B,C	103(a)	'A' teaches everything, (col. 7, lines 5 - 17 & line 44 - col. 8, line 31 et seq.), except if an earlier measurement exists for the code and a new measurement is different, marking the earlier measurement as...

Expanded Discussion/Commentary		
1		Changed and adding the new measurement to a list, if an.... to prevent multiple measurements for entries of the same code from being stored.
1		'B' teaches if an earlier measurement exists and a new measurement is the same... same code from being stored, (col. 2, line 37 - col. 3, line 17). It would have been obvious to one skilled in the art to only save information that has changed since this would free up processing time and prevent duplicaiton of data that is un-needed.
1		'C' teaches if an earlier measurement exists for the code and a new measurement is different, marking the earlier measurement as changed and adding the new measurement to a list, (col. 7, line 65-col. 8, line 12, col. 11, line 51 - col. 12, line 55, setting as old is same as marking as changed.). It would have been obvious to one skilled in the art to add new values to a measurement database so one can monitor abnormalities or changes in the system, cont'.
1		.. to determine if anything is wrong in the system.
DATE: 5/29/2009		/David E. England/ Primary Examiner, Art Unit 2443